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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Date: June 23, 2003

Amita Sutanandi

PATENT  
216019-50 (formerly 98,634-F)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: CARSON et al.

Art Unit:

**RECEIVED**

Serial No.: 09/831,690

JUN 30 2003

Filing Date: May 11, 2001

Examiner:

TECH CENTER 1600/2000

Title: GENE EXPRESSION MODULATED BY  
ACTIVATION OF MICROGLIA OR  
MACROPHAGES

**REQUEST FOR PERMISSION TO WITHDRAW AS  
ATTORNEY OF RECORD (37 C.F.R. § 10.40(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney, on behalf of himself and the other attorneys of record, who are members or associates in the firm of O'MELVENY & MYERS LLP, or who were so listed at the time of their appointment, and on behalf of any attorneys appointed by any of the attorneys on whose behalf this petition is filed, requests the approval of the Commissioner to withdraw as attorneys of record.

The attorneys on whose behalf this request to withdraw is filed include:

BERLINER, Brian M., Registration No. 34,549  
 AJALAT, Christiana M., Registration No. 50,956  
 DALKE, David, Registration No. 40,980  
 FITZSIMMONS, Todd E., Registration No. 44,683  
 HSUEH, Peter C., Registration No. 45,574  
 JAECH, Jonathan A., Registration No. 41,091  
 MILLER, Mark E., Registration No. 31,401  
 SCHRADER, Scott A., Registration No. 47,928  
 YAGURA, Ryan K., Registration No. 47,191

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The present mailing address of the attorneys of record is:

O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071-2899

The present mailing address of the Applicants are:

Monica J. Carson  
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4155 Cole Way  
San Diego, CA 92117

Items pertinent to the request for withdrawal are set forth below.

1. Basis For Withdrawal Request. The basis for the request for withdrawal is 37 C.F.R. 10.40(c)(5), the practitioner's client knowingly and freely assents to termination of the employment.
2. Notification Of Client: In accordance with 37 C.F.R. § 10.40(a), copies of this request are being sent to the Applicants.

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At least thirty (30) days remain for the Applicants to take any action due in this case or an appropriate request for extension of time accompanies this request seeking additional time. The attorneys on whose behalf this petition is filed will ensure that the Applicants has sufficient time after approval of this request to reply or employ another to reply to any outstanding requirement of the U.S. Patent and Trademark Office.

3. Number Of Copies Of Request. This request is enclosed in triplicate.

Further communications regarding this application should be directed to the Applicants at the following address:

Monica J. Carson  
J. Gregor Sutcliffe  
Melissa T. Almazan  
Gabriela M. Tobal  
c/o DIGITAL GENE TECHNOLOGIES, INC.  
11149 North Torrey Pines Road  
La Jolla, CA 92037

Signature of the authorized attorney on behalf of himself and the other attorneys of record of the withdrawing firm, O'Melveny & Myers LLP.

Respectfully submitted,



Brian M. Berliner  
Authorized Attorney  
Registration No. 34,549

Date: June 23, 2003

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cc: Robert Sutcliffe, Esq.  
Digital Gene Technologies, Inc.

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